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| EXAMINER |
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SALIARD, SHANNON S

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3639

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Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                       |                                        |  |
|------------------------------|---------------------------------------|----------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/886,247  | <b>Applicant(s)</b><br>DOMENICK ET AL. |  |
|                              | <b>Examiner</b><br>Shannon S. Saliard | <b>Art Unit</b><br>3639                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06/20/2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                                                                                         |                                                                                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                                                             | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>092401, 022802, 0305</u> | 6) <input type="checkbox"/> Other: _____                                                |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. **Claims 12, 14-19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per **claim 12**, claim 12 recites the limitation "said custom travel package" in line 26. There is insufficient antecedent basis for this limitation in the claim. For the purposes of this review the examiner will interpret claim 12 to be "a custom travel package."

As per **claim 14**, claim 14 recites the limitation "said customer preference database" in line 24. There is insufficient antecedent basis for this limitation in the claim. For the purposes of this review the examiner will interpret claim 14 to be "a customer preference database."

As per **claims 15 and 19**, claims 15 and 19 recite the limitation "said dynamic packaging engine" in lines 3 and 27-28. There is insufficient antecedent basis for this limitation in the claim. For the purposes of this review the examiner will interpret claims 15 and 19 to be "A system for packaging travel services for a customer as in claim 14."

As per **claims 15 and 18**, claims 15 and 18 recite the limitation "said market place engine" in lines 6 and 21. There is insufficient antecedent basis for this limitation

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in the claim. For the purposes of this review the examiner will interpret claims 15 and 18 to be "A system for packaging travel services for a customer as in claim 14."

As per **claims 16 and 17**, claims 16 and 17 recite the limitation "said travel package profile" in lines 12 and 18. There is insufficient antecedent basis for this limitation in the claim. For the purposes of this review the examiner will interpret claims 16 and 17 to be "A system for packaging travel services for a customer as in claim 14."

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claims 1,2,4-7, 10-13, and 16-18** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. A claim limited to a machine or manufacture which has practical

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application in the technological arts is statutory. In most cases, a claim to a specific machine or manufacture will have practical application in the technological arts. See MPEP 2106, 2100-14 (quoting *In re Alappat*, 33 F.3d at 1544, 31 USPQ2d at 1557). Additionally, for subject matter to be statutory, the claimed process must be limited to a practical application of the abstract idea or mathematical algorithm in the technological arts. See *In re Alappat* 33 F.3d at 1543, 31 USPQ2d at 1556-57 (quoting *Diamond V. Diehr*, 450 U.S. at 192, 209 USPQ at 10). For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. See *In re Musgrave*, 431 F.2d 882, 167 USPQ 280 (CCPA 1970).

In the present case, **claims 1,2,4-7, 10-13, and 16-18** only recites an abstract idea. The recited steps of defining a travel package profile based on customer preferences to determine travel services to be packaged and presented to the customer does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper. These steps only constitute an idea of how to use customer preferences to package travel services.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. An invention, which is eligible for patenting under 35 U.S.C. 101, is in the "useful arts" when it is a machine, manufacture, process or composition of matter, which produces a concrete, tangible, and useful result. The fundamental test for patent eligibility is thus to determine whether the claimed invention produces a "use, concrete and tangible result". See *AT&T v. Excel*

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*Communications Inc.*, 172 F.3d at 1358, 50 USPQ2d at 1452 and *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d at 1373, 47 USPQ2d at 1601 (Fed. Cir. 1998). The test for practical application as applied by the examiner involves the determination of the following factors”

(a) “Useful” – The Supreme Court in *Diamond v. Diehr* requires that the examiner look at the claimed invention as a whole and compare any asserted utility with the claimed invention to determine whether the asserted utility is accomplished. Applying utility case law the examiner will note that:

i. the utility need not be expressly recited in the claims, rather it may be inferred.

ii. if the utility is not asserted in the written description, then it must be well established.

(b) “Tangible” – Applying *In re Warmerdam*, 33 F.3d 1354, 31 USPQ2d 1754 (Fed. Cir. 1994), the examiner will determine whether there is simply a mathematical construct claimed, such as a disembodied data structure and method of making it. If so, the claim involves no more than a manipulation of an abstract idea and therefore, is nonstatutory under 35 U.S.C. 101. In *Warmerdam* the abstract idea of a data structure became capable of producing a useful result when it was fixed in a tangible medium, which enabled its functionality to be realized.

(c) “Concrete” – Another consideration is whether the invention produces a “concrete” result. Usually, this question arises when a result cannot be

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assured. An appropriate rejection under 35 U.S.C. 101 should be accompanied by a lack of enablement rejection, because the invention cannot operate as intended without undue experimentation.

In the present case, the claimed invention produces a travel package to be presented to customers (i.e., repeatable) based on customer preferences (i.e., useful and tangible).

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, **claims 1,2,4-7, 10-13, and 16-18** are deemed to be directed to non-statutory subject matter.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-4, 12, 22, and 23** are rejected under 35 U.S.C. 102(b) as being anticipated by Vance et al [U.S. Patent No. 6,442,526].

As per **claim 1**, Vance et al discloses a method of packaging travel services for a customer comprising the steps of: defining a travel package profile (col 5, lines 13-17);

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communicating with a plurality of travel service providers, wherein each of said plurality of providers is associated with one or more travel service inventories; identifying a plurality of travel services available from said travel service inventories; selecting two or more travel services from said plurality of travel services in accordance with said travel package profile (col 5, lines 34-38); and presenting said two or more selected travel services as a travel package to said customer (col 5, lines 38-48).

As per **claim 2**, Vance et al further discloses wherein said plurality of travel services includes one or more of the following: transportation services; lodging services; recreational services, and entertainment services (col 5, lines 34-38).

As per **claim 3**, Vance et al further discloses wherein said step of communicating with a plurality of travel service providers is performed via an open-standard distributed computer network (col 4, lines 26-38).

As per **claim 4**, Vance et al further discloses wherein said step of defining a travel package profile further comprises the steps of: identifying one or more relevant customer travel preferences; and including said customer travel preferences in said travel package profile (col 5, lines 13-17).

As per **claim 12**, Vance et al further discloses receiving an order for a custom travel package from said customer; and reserving said selected two or more selected travel services for said customer (col 12, lines 21-34).

As per **claim 22**, Vance et al discloses a system for packaging travel services for a customer, said system comprising: an exchange means for sharing information with one or more travel service provider inventory systems to receive one or more updated

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inventories of available travel services; a packaging means, in communication with said exchange means, for selecting a plurality of travel services from said inventories of available travel services, wherein said selection is based upon a travel package profile; and a presentation means, in communication with said packaging means, for presenting said selected plurality of travel services as a package to said customer (col 5, lines 30-48).

As per **claim 23**, Vance et al further discloses said system further comprising: a storage means for storing a plurality of customer travel preferences associated with said customer; wherein said package profile includes one or more of said plurality of customer travel preferences (col 5, lines 13-17).

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 14, 16, and 18-21** are rejected under 35 U.S.C. 102(e) as being anticipated by Schiff et al [U.S. Publication No. US2002/0082877].

As per **claim 14**, Schiff et al discloses a system for packaging travel services for a customer, said system comprising: a travel package profile including at least a

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plurality of data relating to a desired travel service package (0012); a market place engine in communication with one or more travel service provider inventory systems, said market place engine being programmable to query said travel service provider inventory systems for updated travel service provider inventory information (0082); a dynamic packaging engine in communication with said market place engine and said customer preference database, said dynamic packaging engine being programmable to select a plurality of available travel services according to said updated travel service provider inventory information and said plurality of data included in said travel package profile; and a customer interface programmable to present said selected plurality of travel services as a package to said customer (0010).

As per **claim 16**, Schiff et al further discloses further comprising: a customer preference repository including a plurality of customer travel preferences associated with said customer; wherein said travel package profile includes one or more of said plurality of customer travel preferences (0075).

As per **claim 18**, Schiff et al further discloses wherein said market place engine further comprises: an offering repository capable of storing said travel service provider inventory information (0076).

As per **claim 19**, Schiff et al further discloses further comprising: a market place engine interface programmable to facilitate communication between said market place engine and said dynamic packaging engine (0082).

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As per **claim 20**, Schiff et al further discloses wherein said customer interface further comprises: a hypertext transfer protocol server capable of presenting custom web pages to said customer via the World Wide Web (0052; 0107).

As per **claim 21**, Schiff et al further discloses wherein said customer interface further comprises: an email server capable of sending email messages to, and receiving email messages from, said customer via the Internet (0055).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 5, 6, 9, 10, and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Iyengar et al [U.S. Patent No. 6,360,205].

As per **claim 5**, Vance et al discloses all the limitations of claims 1 and 4. Vance et al does not disclose wherein said step of identifying one or more relevant customer travel preferences further comprises the steps of: receiving a customer request including a plurality of customer travel preferences; and selecting said one or more relevant customer travel preferences from said plurality of received customer travel preferences. However, Iyengar et al discloses that a customer request is received including travel preferences and those preferences are used in generating a travel service (col 11, lines 7-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by Iyengar et al. Iyengar et al provides the motivation that the form is pre-populated with the user preference for convenience, which indicates that the user does not have to retype each preference when a new request is entered.

As per **claim 6**, Vance et al does not disclose wherein said step of identifying one or more relevant customer travel preferences further comprises the steps of: accessing a database containing a plurality of customer preferences compiled in connection with one or more previous transactions with said customer; and selecting said one or more relevant customer travel preferences from said plurality of customer travel preferences. However, Iyengar et al discloses that a general database is accessed containing historical data to pre-populate user request form (col 8, lines 25-31). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by Iyengar et al. Iyengar et al provides the motivation that the stored information can be used at a later time so that the user could avoid typing that information into a form again.

As per **claim 9**, Vance et al does not disclose receiving a request from said customer via a travel service request web page; and wherein said step of presenting said two or more selected travel services as a custom travel package to said customer includes: creating a custom web page containing a description of said custom travel package; and transmitting said custom web page to said customer. However, Iyengar et al discloses that a travel request is received via a webpage and the travel service including a description is presented to the customer (col 11, lines 18-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by

lyengar et al to allow the user to quickly access additional information about the travel package which may aid customers in making a decision.

As per **claim 10**, Vance et al does not disclose further comprising the steps of: maintaining an offering repository of one or more of said travel service inventories associated with said plurality of travel service providers; periodically receiving travel service inventory updates from one or more of said plurality of travel service providers; and updating said offering repository in accordance with said travel service inventory updates. However, lyengar et al discloses that a repository of available travel service inventory is maintained and updated (col 6, lines 60-67; col 8, lines 39-51). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the methods disclosed by lyengar et al to provide the user with the most current information from which to make a selection for travel services.

As per **claim 13**, Vance et al discloses a method of packaging travel services for a customer, comprising the steps of: communicating with a plurality of travel service providers, wherein each of said plurality of providers is associated with one or more travel service inventories; identifying a plurality of travel services available from said travel service inventories; and presenting said selected travel services as a travel package to said customer (col 5, lines 34-48). Vance et al does not disclose wherein said plurality of travel services includes a plurality of special fare travel services; selecting two or more travel services from said plurality of travel services, wherein said selected two or more travel services includes at least one special fare travel service

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selected from said plurality of special fare travel services. However, Iyengar et al discloses that special fares available are presented to customers as part of the selected travel services (col 11, lines 33-35). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the methods disclosed by Iyengar et al. Iyengar et al provides motivation that special fares are provided because there is no additional costs associated with accessing the central reservation system, which reduces costs for low cost and smaller airlines (col 1, lines 56-67).

6. **Claims 7 and 24** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Bull et al [U.S. Publication No. US 2003/0187726].

As per **claims 7 and 24**, Vance et al discloses all the limitations of claims 1 and 22. Vance et al does not disclose wherein said step of defining a travel package profile further comprises the steps of: identifying one or more marketing campaign parameters; and including said marketing campaign parameters in said travel package profile. However, Bull et al discloses that advertisements are shown to the customer based on marketing criteria entered by the advertisers that will be logged with the user profile (0035). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by Bull et al. Bull et al provides the motivation that when the user

accesses the system the marketing will be customized to the traveler's preferences (0036).

7. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Williams [U.S. Publication No. US 2003/0149600].

As per **claim 8**, Vance et al discloses all the limitations of claim 1. Vance et al does not disclose wherein said step of presenting said two or more selected travel services as a custom travel package to said customer further comprises the step of: creating a custom email message containing a description of said custom travel package; transmitting said custom email message to said customer. However, Williams discloses that a custom confirmation including reservation description is emailed to the customer (0070-0071). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the methods disclosed by Williams so that the customer will have a personal copy of the transaction.

8. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Barth et al [U.S. Publication No. US 2005/0010567].

As per **claim 11**, Vance et al discloses all the limitations of claim 1. Vance et al does not disclose further comprising the steps of: receiving an order for said custom

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travel package from said customer; and reserving said selected two or more selected travel services for said customer. However, Barth et al discloses that the search for travel services incorporates service rules when constructing the results (0216 and 0229). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Vance et al to include the methods disclosed by Barth et al. Barth et al provides the motivation that it is prudent to narrow the results so that useful results are returned to the customer.

9. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al [U.S. Publication No. US 2002/0082877] in view of Barth et al [U.S. Publication No. US 2005/0010567].

As per **claim 15**, Schiff et al discloses all the limitations of claim 14. Schiff et al does not disclose wherein: said dynamic packaging engine is further programmable to receive an order from said customer for said selected travel services; and said market place engine is further programmable to reserve said selected travel services on behalf of said customer. However, Barth et al discloses a search system that is able to receive a customer request and then automatically reserve the travel service that was returned based on the customer's preference (0197). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Schiff et al to include the methods disclosed by Barth et al. Barth et al provides the motivation that this is a method to secure purchasable items that have a time-limited availability (0196).

10. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiff et al [U.S. Publication No. US 2002/0082877] in view of Bull et al [U.S. Publication No. US 2003/0187726].

As per **claim 17**, Schiff et al discloses all the limitations of claim 14. Schiff et al does not disclose further comprising: a marketing campaign repository including a plurality of marketing campaign parameters; and wherein said travel package profile includes one or more of said marketing campaign parameters. However, Bull et al discloses that advertisements are shown to the customer based on marketing criteria entered by the advertisers that will be logged with the user profile (0035). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Schiff et al to include the methods disclosed by Bull et al. Bull et al provides the motivation that when the user accesses the system the marketing will be customized to the traveler's preferences (0036).

11. **Claims 25 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Barth et al [U.S. Publication No. US 2005/0010567].

As per **claim 25**, Vance et al discloses A system for packaging travel services for a customer, said system comprising: an exchange means for sharing information with one or more travel service provider inventory systems via an open-standard distributed

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computer network to receive one or more updated inventories of available travel services associated with one or more travel service providers (col 4, lines 26-38); a storage means for storing said updated inventories of available travel services; a packaging means, in communication with said exchange means, for selecting a plurality of travel services from said inventories of available travel services, wherein said selection is based upon a package profile; a presentation means, in communication with said packaging means, for presenting said selected plurality of travel services as a package to said customer via a TCP/IP network (col 5, lines 30-48). Vance et al does not disclose an order processing means for receiving and processing orders for said selected plurality of travel services from said customer via said TCP/IP network; and a fulfillment means for sharing information with one or more of said travel service providers via said open-standard distributed computer network to reserve said selected plurality of travel services on behalf of said customer. However, Barth et al discloses a travel packaging service that is able to receive a customer request over an open-standard distributed computer network and then automatically reserve the travel service that was returned based on the customer's preference (0078; 0086; 0197). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Vance et al to include the methods disclosed by Barth et al. Barth et al provides the motivation that this is a method to secure purchasable items that have a time-limited availability (0196).

As per **claim 26**, Vance et al further discloses said system further comprising: a plurality of customer travel preferences associated with said customer; wherein said

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package profile includes one or more of said plurality of customer travel preferences (col 5, lines 13-17).

12. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vance et al [U.S. Patent No. 6,442,526] in view of Barth et al [U.S. Publication No. US 2005/0010567] as applied to claim 25 above, and further in view of Bull et al [U.S. Publication No. US 2003/0187726].

As per **claim 27**, Vance et al and Barth et al disclose all the limitations of claim 25. However, Vance et al and Barth et al do not disclose said system further comprising: a plurality of marketing campaign parameters; wherein said package profile includes one or more of said plurality of marketing campaign parameters. However, Bull et al discloses that advertisements are shown to the customer based on marketing criteria entered by the advertisers that will be logged with the user profile (0035). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention disclosed by Schiff et al to include the methods disclosed by Bull et al. Bull et al provides the motivation that when the user accesses the system the marketing will be customized to the traveler's preferences (0036).

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

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applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shannon S Saliard  
Examiner  
Art Unit 3639

*Shannon Saliard*  
PRIMARY PATENT

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